

*This listing of claims will replace all prior versions, and listings, of claims in the application:*

**Listing of Claims:**

**Claim 1 (Currently Amended):** An image processing device for processing an image using image data generated by an image generating device, and image generation record information that is associated with the image data and that includes operation information ~~for~~ of the image generating device at the time that the image data is generated, the image processing device comprising:

    a judging section configured to execute a backlight decision as to whether or not to execute backlight adjustment processing, based on both the image generation record information and the image data, wherein when the image generation record information includes subject position information indicating a position of a subject in the image, the judging section uses the subject position information in executing the backlight decision; and

    an image quality adjuster that, when it is decided to execute the backlight adjustment processing, executes backlight adjustment processing to increase brightness value of at least some pixels in the image data.

**Claim 2 (Canceled).**

**Claim 3 (Currently Amended):** An image processing device according to claim 2 1, wherein

    the judging section analyses the image data with a weight distribution that has different magnitudes at the subject position and other positions, and execute the backlight decision according to the analysis result.

**Claim 4 (Original):** An image processing device according to claim 1, wherein

    when the image generation record information includes flash information of a supplemental light source at the time of generation of the image data, the judging section decides based on the flash information whether illumination with light by the supplemental light source has been performed at the time of generation of the image data, and uses a result of this decision in executing the backlight decision.

**Claim 5 (Original):** An image processing device according to claim 4, wherein  
the judging section, based on the flash information, is able to identify one among  
available operation results of the supplemental light source at the time of generation of the  
image data, and

the judging section executes the backlight decision based on brightness values of the  
image data when the operation result is one of the following results:

- (i) no supplemental light source is provided;
- (ii) the supplemental light source is not fired; and
- (iii) the supplemental light source is fired, and reflected light is detected.

**Claim 6 (Original):** An image processing device according to claim 5, wherein  
the image generation record information further includes information relating to a  
distance between the subject of the image data and the image generating device at the time of  
generation of the image data, and

the judging section performs:

comparing the subject distance to a predetermined threshold value when the  
supplemental light source operation result is not any of the results (i), (ii) and (iii);

executing the backlight decision using the brightness values of the image data  
when a decision that the subject distance is equal to or greater than the predetermined  
threshold value; and

deciding not to execute the backlight adjustment processing when a decision  
that the subject distance is less than the predetermined threshold value.

**Claim 7 (Original):** An image processing device according to claim 1, wherein when the  
image generation record information includes information relating to location of the subject  
of the image data, the judging section decides whether the subject location is an outdoor  
location, and executes the backlight decision depending on the decision result.

**Claim 8 (Currently Amended):** An image processing device according to claim 7, wherein  
when a decision that the subject location is an outdoor location is made, the judging  
section executes the backlight decision using brightness values of the image data.

**Claim 9 (Original):** An image processing device according to claim 1, wherein the image quality adjuster determines intensity of the backlight adjustment processing based on both the image generation record information and the image data.

**Claim 10 (Original):** An image processing device according to claim 9, wherein when the image generation record information includes subject position information indicating a position of a subject in the image, the image quality adjuster analyses the image data with a weight distribution that has different magnitudes at the subject position and other positions, and determines intensity of the backlight adjustment processing according to the analysis result.

**Claim 11 (Currently Amended):** An image output device for outputting an image using image data generated by an image generating device, and image generation record information that is associated with the image data and that includes operation information ~~for~~ of the image generating device at the time that the image data is generated, the image output device comprises:

a judging section configured to execute a backlight decision as to whether or not to execute backlight adjustment processing, based on both the image generation record information and the image data, wherein when the image generation record information includes subject position information indicating a position of a subject in the image, the judging section uses the subject position information in executing the backlight decision;

an image quality adjuster that, when it is decided to execute the backlight adjustment processing, executes backlight adjustment processing to increase brightness value of at least some pixels in the image data; and

an output section for outputting an image according to the image quality-adjusted image data.

**Claim 12 (Currently Amended):** A method of processing an image using image data generated by an image generating device, and image generation record information that is associated with the image data and that includes operation information ~~for~~ of the image generating device at the time that the image data is generated, the method comprising the steps of:

- (a) executing a backlight decision as to whether or not to execute backlight adjustment processing, based on both the image generation record information and the image data, wherein when the image generation record information includes subject position information indicating a position of a subject in the image, the backlight decision is made using the subject position information; and
- (b) when it is decided to execute the backlight adjustment processing, executing backlight adjustment processing to increase brightness value of at least some pixels in the image data.

**Claim 13 (Canceled).**

**Claim 14 (Currently Amended):** A method according to claim ~~13~~ 12, wherein the step (a) includes analyzing the image data with a weight distribution that has different magnitudes at the subject position and other positions, and executing the backlight decision according to the analysis result.

**Claim 15 (Original):** A method according to claim 12, wherein when the image generation record information includes flash information of a supplemental light source at the time of generation of the image data, the step (a) includes deciding based on the flash information whether illumination with light by the supplemental light source has been performed at the time of generation of the image data, and executing the backlight decision using a result of this decision.

**Claim 16 (Original):** A method according to claim 15, wherein

the step (a) includes, based on the flash information, identifying one among available operation results of the supplemental light source at the time of generation of the image data, and

the step (a) includes executing the backlight decision based on brightness values of the image data when the operation result is one of the following results:

- (i) no supplemental light source is provided;
- (ii) the supplemental light source is not fired; and
- (iii) the supplemental light source is fired, and reflected light is detected.

**Claim 17 (Original):** A method according to claim 16, wherein

the image generation record information further includes information relating to a distance between the subject of the image data and the image generating device at the time of generation of the image data, and

the step (a) includes:

comparing the subject distance to a predetermined threshold value when the supplemental light source operation result is not any of the results (i), (ii) and (iii);

executing the backlight decision using the brightness values of the image data when a decision that the subject distance is equal to or greater than the predetermined threshold value; and

deciding not to execute the backlight adjustment processing when a decision that the subject distance is less than the predetermined threshold value.

**Claim 18 (Original):** A method according to claim 12, wherein

when the image generation record information includes information relating to location of the subject of the image data, the step (a) includes deciding whether the subject location is an outdoor location, and executing the backlight decision depending on the decision result.

**Claim 19 (Currently Amended):** A method according to claim 18, wherein

when a decision that the subject location is an outdoor location is made, the step (a) includes executing the backlight decision using brightness values of the image data.

**Claim 20 (Original):** A method according to claim 12, wherein  
the step (a) includes determining intensity of the backlight adjustment processing  
based on both the image generation record information and the image data.

**Claim 21 (Original):** A method according to claim 20, wherein  
when the image generation record information includes subject position information  
indicating a position of a subject in the image, the step (b) includes analyzing the image data  
with a weight distribution that has different magnitudes at the subject position and other  
positions, and determining intensity of the backlight adjustment processing according to the  
analysis result.

**Claim 22 (Currently Amended):** A method of outputting an image using image data  
generated by an image generating device, and image generation record information that is  
associated with the image data and that includes operation information ~~for~~ of the image  
generating device at the time that the image data is generated, the method comprising the  
steps of:

(a) executing a backlight decision as to whether or not to execute backlight adjustment  
processing, based on both the image generation record information and the image data,  
wherein when the image generation record information includes subject position information  
indicating a position of a subject in the image, the backlight decision is made using the  
subject position information;

(b) when it is decided to execute the backlight adjustment processing, executing  
backlight adjustment processing to increase brightness value of at least some pixels in the  
image data; and

(c) outputting an image according to the image quality-adjusted image data.

**Claim 23 (Currently Amended):** A computer-readable storage medium encoded with a computer program, product the computer program comprising:

~~a computer readable medium; and~~

~~a computer program stored on the computer readable medium, the computer program including~~

a first program causing a computer to execute a backlight decision as to whether or not to execute backlight adjustment processing, based on both the image generation record information and the image data, wherein when the image generation record information includes subject position information indicating a position of a subject in the image, the backlight decision is made using the subject position information; and

a second program, when it is decided to execute the backlight adjustment processing, causing the computer to execute backlight adjustment processing to increase brightness value of at least some pixels in the image data.